

REMARKS**I. General**

Claims 1-79 are pending in the present application. Claims 1-79 stand rejected under 35 U.S.C. § 102. Applicant respectfully traverses the rejections of record.

II. The 35 U.S.C. § 102 Rejections

Claims 1-79 stand rejected under 35 U.S.C. § 102(c) as being anticipated by Shah et al., United States patent number 6,175,618 (hereinafter *Shah*). To anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim,” see M.P.E.P. § 2131, citing *In re Bond*, 15 US.P.Q.2d 1566 (Fed. Cir. 1990). The Examiner has the burden of establishing a *prima facie* case of anticipation, see *In re Skinner*, 2 U.S.P.Q.2d 1788, 1788-89 (B.P.A.I. 1986) (stating, “[i]t is by now well settled that the burden of establishing a *prima facie* case of anticipation resides with the Patent and Trademark Office.”). The rejections of record fail to establish a *prima facie* case of anticipation because the rejections do not establish that the applied art meets every element of the claims nor that the elements are arranged as required by the claims.

A. Claims 1-22

Although independent claim 1 expressly recites various structure, including a call control information interface and an application interface, the rejection of record fails to identify precisely what structure of *Shah* is being read to meet all the structure of claim 1. For example, with respect to the recited application interface, the rejection of record merely generally references several portions of *Shah* that do not provide any clear guidance as to how the Examiner is reading the system of *Shah* to meet the structure expressly recited in the claim. Nevertheless, in an effort to further prosecution, Applicant attempts herein to address the rejections of record.

Claim 1 recites that “said call control information interface provides call control information for directing said call to a first call application as a function of said initial call directing instruction and said call information accepted by said call information interface . . .

.” The rejection of record relies upon SCF 24 to meet the foregoing, Office Action at page 2. The rejection of record further relies upon routing information disclosed at column 3, line 31, of *Shah* to meet the recited initial call directing instruction, Office Action at page 2. The routing information of *Shah* (read by the Examiner to be the initial call directing instruction) is itself provided by SCF 24 to SSF 22 and then provided by SSF 22 to non-AIN switch 12, column 3, lines 3-5 and lines 30-34. Accordingly, the Examiner has failed to show call control information which is provided to a first call application as a function of the initial call directing instruction and the call information. That is, when the routing information of *Shah* is read to meet the initial call directing instruction as in the rejection of record, there is no call control information provided to a first call application as a function of the initial call directing instruction. Clearly, the applied art does not set forth elements arranged as required by the claims.

Moreover, claim 1 recites that “said application interface provides call information associated with said call to said first call application upon directing said call to said first application” Although the Examiner has never specifically identified what aspect of *Shah* is being relied upon to meet the recited first call application, it appears that the Examiner must either be relying upon SSF 22 or non-AIN switch 12 as the first application because those are the components receiving the routing information from SCF 24, relied upon to meet the call control information interface. However, nothing in the rejection of record establishes that either SSF 22 or non-AIN switch 12 has a call directed thereto by a call control interface and that an application interface provides call information associated with the call to SSF 22 or non-AIN switch 12 upon directing the call to SSF 22 or non-AIN switch 12. The portion of *Shah* relied upon to meet the foregoing claim limitation merely states that “[i]n another example, the IPS 10 could use voice prompts to receive a PIN (personal identification number) from the calling party,” column 2, lines 55-58. This disclosure of *Shah* is insufficient to meet the claim.

In responding to Applicant’s previous arguments regarding the previous rejections of record not establishing that *Shah* discloses directing a call to a first call application as set forth in the claim, the Examiner baldly asserts that “the nearest service location is likely to use an IVR or VRU,” Office Action at page 4. The Examiner is reminded that in order for the claim to be anticipated under 35 U.S.C. § 102, the applied art must show the elements

arranged as set forth in the claims. The rejection of record relies upon SCF 24 to meet the recited call control information interface, Office Action at page 2. Accordingly, whether or not a nearest service location is likely to use an IVR or VRU, the Examiner has failed to establish a *prima facie* case of anticipation at least for the reasons that the Examiner has not shown that such an IVR or VRU is necessarily present in *Shah*, that SCF 24 directs a call to such an IVR or VRU, and that SCF 24 provides call information associated with a call that is directed to such an IVR or VRU.

In further responding to Applicant's previous arguments regarding the previous rejections of record not establishing that *Shah* discloses directing a call to a first call application as set forth in the claim, the Examiner states that “[t]here is nothing in the claims that require the application program to be external to the call segment controller,” Office Action at page 4. Applicant reminds the Examiner that the claim limitations as a whole must be met. Accordingly, there must be a call control information interface which provides call control information for directing the call to a first call application and there must be an application interface which provides call information associated with the call to the first call application upon directing the call to the first call application. There is nothing in the rejection of record to show a first call application, whether internal or external to a call segment controller, meeting the claim limitations.

The foregoing are examples of the various mismatches between the claim limitations and the aspects of *Shah* relied upon in rejecting the claims and illustrate that the rejection of record is based upon dissecting the claim limitations and identifying aspects of *Shah* which seemingly meet such limitations when considered in isolation. However, Office personnel may not dissect a claimed invention into discrete elements and then evaluate the elements in isolation. Instead, the claim as a whole must be considered, see M.P.E.P. § 2106 II(C) (citing *Diamond v. Diehr*, 209 U.S.P.Q. 1, 9 (1981)). Accordingly, the 35 U.S.C. § 102 rejection of record with respect to claim 1 is improper.

Claims 2-22 depend from claim 1 and thus incorporate the limitations thereof. Accordingly, claims 2-22 are asserted to be patentable at least for the reasons set forth above. Moreover, in addition to these dependent claims introducing new and non-obvious limitations

which are not present in the applied art, the rejections of record with respect to these dependent claims fail to establish *prima facie* anticipation under 35 U.S.C. § 102.

For example, claim 3 recites “wherein said call information accepted by said call information interface comprises caller information.” There is nothing in the rejection of record establishing that *Shah* meets this aspect of the claim, see Office Action at page 3.

With respect to claim 5 reciting that the call information interface and the call control information interface are comprised of an application independent link, the rejection of record merely asserts that the limitation is “inherent, see Figs,” Office Action at page 3. However, in order to properly establish a rejection based on inherency, “the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art,” M.P.E.P. § 2112 (citing *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)) (emphasis original). The rejection of record is insufficient to properly establish a rejection based upon inherency.

Claim 8 recites that the call information interface and the call control information interface are comprised of a signaling independent link. The rejection of record does not address this limitation, see Office Action at page 3.

Claim 11 recites that the first call application provides enhanced calling services to the call. In rejecting the claim, the Examiner relies upon disclosure in *Shah* teaching that “ISP 10 allows a service provider to provide enhanced features to its customers,” column 2, lines 35-36. However, merely providing enhanced features to customers does not establish a first call application, meeting all aspects of the claim, which itself provides enhanced calling services. Accordingly, the rejection of record is insufficient to establish *prima facie* anticipation under 35 U.S.C. § 102.

Claim 12 recites that the first call application comprises a voice response unit and claim 13 recites that the first call application comprises a prepaid calling system. The rejections of record rely upon disclosure in *Shah* generally teaching features provided by telecommunications over the last decade, including voice mail, call forwarding, caller ID, fax on demand, and voice response services, column 1, lines 23-25, and mentioning a feature

manager service logic state machine supports a particular IP service feature including debit card, column 14, line 37. However, the foregoing is insufficient to establish that a first call application, meeting all aspects of the claim, itself comprises a voice response unit or a prepaid calling system.

The limitations of claims 14 and 15 are summarily dismissed in the rejections of record as inherent. However, as discussed above, such a rejection relying upon inherency is improper.

Claim 17 recites “wherein said call information provided to said first call application by said call segment controller comprises call reference information.” There is nothing in the rejection of record establishing that *Shah* meets this aspect of the claim, see Office Action at page 3.

Claim 19 recites that the application interface comprises a database shared between the call segment controller and the application. The rejection of record relies upon disclosure of a database server residing in the service framework layer which could have an object-oriented interface, column 14, lines 10-9. However, the foregoing is insufficient to establish an application interface, meeting all aspects of the claim, comprises a database shared between a call segment controller and an application.

Claim 20 recites “wherein said call information and said call control information do not include voice information, and wherein no voice link is established with respect to said call and said call segment controller.” In rejecting the application interface providing call information associated with the call recited in claim 1, the Examiner relies upon *Shah* disclosing ISP 10 using voice prompts to receive a PIN, column 2, lines 55-58. However, in rejecting claim 20, further limiting the call information so as not to include voice information, the Examiner generally references Figures 1 and 2, Office Action at page 3. Clearly, the claim is not met by the disclosure of *Shah* because of the inconsistencies between the rejection of the base claim and this dependent claim.

Claim 21 recites that the particular call event that the first call application provides call information in association with comprises termination of interaction of the call with the first application. The rejection of record relies upon disclosure of *Shah* teaching that the SCP

may provide a “Release Call” message to the SSF, column 4, line 62, through column 5, line 4. However, the foregoing does not establish that a fist call application, meeting all aspects of the claim, provides call information in association with the call when interaction with the call is terminated with the first call application.

B. Claims 23-79

Initially, Applicant again points out that the rejections of record do not comport with Office Policy. According to M.P.E.P. § 707.07(d), “[a] plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group.” Here, the Examiner grouped claims 23-79 in a common rejection even though these claims recite different limitations, Office Action at pages 3 and 4. Clearly, the rejection is not equally applicable to each of claims 23-79. Thus the rejection is improper and fails to provide Applicant with a full and fair opportunity to explore the patentability of the claims, see M.P.E.P. §§ 706 and 707.

Moreover, claims 23-79 recite limitations not present in claims 1-22. Therefore, even ignoring the improper grouping of the claims, the rejections of record do not establish *prima facie* anticipation under 35 U.S.C. § 102.

For example, claim 23 recites “a call segment controller having a call interface . . . and an application interface . . . wherein said call interface provides a bi-directional signaling link with respect to said call without a voice link with respect to said call” This limitation is not addressed in the rejections of claims 1-22. In responding to Applicant pointing out the foregoing in response to the previous rejections of record, the Examiner asserts that “there is no voice link between the SCF and SSF,” Office Action at page 4. Accordingly, the Examiner appears to be relying upon SCF 24 to meet the recited call segment controller. Accordingly, the interface between SCF 24 and SRF 26 must be what the Examiner is relying upon to meet the recited “application interface for interfacing with an application”

The claim, however, requires that application interface provides call information exchange between said plurality of applications and said call segment controller” The interface between SCF 24 and SRF 26, the only other interface shown with respect to SCF

24, does not anticipate the foregoing. Moreover, there is nothing in *Shah* to teach an application interface in association with SCF 24 meeting the claim, nor has the Examiner asserted otherwise. Accordingly, a *prima facie* case of anticipation under 35 U.S.C. § 102 has not been established.

Moreover, as previously pointed out by Applicant, the limitation of claim 23 reciting “said call segment controller interacts with call applications of said plurality of call applications through use of said call information exchange to control segments of said call,” has not been addressed in the rejections of record. For example, the Examiner’s statement with respect to claim 15, reciting a second call application, that such a limitation is inherent does not reasonably support a conclusion that the claimed plurality of call applications necessarily flows from the disclosure of the applied art. Moreover, the rejection of record does not address the use of a plurality of call applications to control segments of a same call. Furthermore, the Examiner has not addressed these points, as previously asserted by Applicant, in the present Office Action. As directed by M.P.E.P. § 707.07(f), “[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant’s argument and answer the substance of it.” Applicant therefore requests that the Examiner set forth an answer addressing the substance of the Applicants’ arguments with respect to this claim in order that Applicant may have a full and fair opportunity to explore the patentability of the claim as provided for under M.P.E.P. § 706.07.

Claim 61 recites “monitoring, by said call segment controller, a state of said call with respect to said first application.” As previously pointed out by Applicant, this limitation is not addressed in the rejections of record and Applicant is unable to identify any portion of *Shah* which may be interpreted to meet this aspect of the claims. The present Office Action continues to ignore this aspect of the claims. Accordingly, *prima facie* anticipation under 35 U.S.C. § 102 has not been established with respect to claim 61.

Dependent claims 24-60 and 62-79 depend directly or indirectly from a respective one of independent claims 23 and 61. Thus each of these dependent claims includes the limitations of the independent claim from which it depends. Independent claims 23 and 61 have been shown above to recite limitations not met by the rejections of record. Accordingly,

a *prima facie* case of anticipation under 35 U.S.C. § 102 has not been established with respect to claims 24-60 and 62-79.

III. Summary

In view of the above, Applicant believes the pending application is in condition for allowance. Accordingly, Applicant requests that the claims be passed to issue.

If the Examiner disagrees with Applicant's arguments above and maintains the rejections of record, Applicant respectfully requests that the Examiner clearly articulate the particular aspects of *Shah* relied upon to meet the express limitations of every claim, as required under M.P.E.P. § 707. Such information is required in order for Applicant to fully and fairly analyze any such continued rejection of the claims.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 47524/P124US/10108968 from which the undersigned is authorized to draw.

Dated: April 30, 2007

Respectfully submitted,

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is e-filed on the date shown below.

Dated: April 30, 2007

Signature: Lisa deCordova
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